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May 23, 2003

**OKLAHOMA BULLETIN NO. OK120-3-6**

**SUBJECT: ADS – Accidents – Determination Of Follow-Up Actions**

**Purpose:** To provide revised criteria in determining disciplinary action related to vehicle accidents.

**Expiration Date:** September 30, 2003

The State Accident Review Committee is responsible for making recommendations on pecuniary liability, preventability, and disciplinary action. The existing policy for determination of disciplinary action has been reviewed and revised as follows:

**Criteria for Disciplinary Action in Issuing Letter of Caution or Letter of Reprimand**

The Accident Review Committee is charged with making a decision on each accident as to whether it was preventable or nonpreventable and if there was negligence or gross negligence involved by the NRCS employee.

**Preventable Accident** - Any reportable accident in which the driver failed to exercise every possible precaution to prevent the accident.

**Nonpreventable Accident** - Any reportable accident in which there was absolutely no way the driver could have prevented the accident.

**Negligence** - Failure to exercise such care as would normally be expected of a reasonable person. To pay no attention or too little attention to and/or disregard or failure to act with reasonable precaution.

**Gross Negligence** - Intentional, willful, wanton, or reckless actions.

1. If the accident is determined to be preventable and there is negligence involved and:
  - It is the first accident the employee has had
  - Damage amount of either the GOV and/or private property is less than \$2,500.00
  - If injury is involved (to either government employee or private individual) and it is not of traumatic nature (See Item #2 for definition of traumatic injury)

**The follow-up action is a Letter of Caution.**

(More)

DIST: AE

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2. If the accident is determined to be preventable and there is negligence involved and:

- It is the second accident within 5 years  
**OR**
- The government employee is ticketed for traffic violation  
**OR**
- If traumatic injury is involved (to either government employee or private individual).  
A traumatic injury is one that results in
  - Disability for longer than the day or shift during which the accident occurred
  - Prolonged treatment
  - Permanent disability
  - Serious disfigurement of the head and neck
  - A charge for medical or related expense( for above conditions)

**The follow-up action is a minimum of a Letter of Reprimand.**

3. If the accident is determined to be preventable and there is negligence involved and:

- Damage amount of either the GOV and/or private property is greater than \$2,500.00  
**OR**
- The employee was not following policy or other safety issues  
**OR**
- There are conduct or performance issues involved, such as: 1.) working outside scope of duties, and/or 2.) engaged in the furtherance of personal interest, etc.

**The follow-up action is a minimum of a Letter of Reprimand**

**FREQUENCY OF ACCIDENTS, CONDUCT, PERFORMANCE RELATED, >\$2500:**

**Further Disciplinary Action may be imposed on an employee who has previously received a Letter of Reprimand for a vehicle accident. Other disciplinary penalties that may be taken, depending on type of misconduct are:**

- **Employee required to take defensive drivers training at own expense and time**
- **Employee can be required to pay for loss or damage to Government property in their care in cases involving operator misconduct or improper operation**
- **5 day to 14 day Suspension**
- **Removal**

Please continue to work in a safe and aware manner. Take the time to be safe.

*/s/ John Glover acting for*

M. DARREL DOMINICK  
State Conservationist